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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,545	08/16/2006	Marcos Rogerio Pegoretti	APA-PT010	8468
3624 7590 04/06/2009 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER				
AUJLA, DHANVIR K				
ART UNIT		PAPER NUMBER		
4115				
MAIL DATE		DELIVERY MODE		
04/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,545

Applicant(s)

PEGORETTI, MARCOS ROGERIO

Examiner

DHANVIR AUJLA

Art Unit

4115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 8/16/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "initial slot" (8; pg 4, line 7), "parallel section" (10; pg 4, line 12), and "divergent section" (11; pg 4, line 12) as described in the specification. Furthermore, the depiction of the motors (2, 4, and 17) in Fig. 4 as blocks does not facilitate an understanding of their operation. The same can be said for the rotating plate (6) in Fig. 4. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 1, the recitation “placing the pipe on the receiving table by the set of motors to be subsequently transferred to the cutting table by means of motors” (lines 5 and 6) does not enable one of ordinary skill in the art to use the invention, as a motor alone generally does not provide movement of an object. There apparently should be some kind of mechanism(s) cooperating with the motors to induce the claimed movement. The depiction of the motors in the drawings as randomly positioned blocks does not facilitate an understanding of the operation of the claimed motors. Further, it is not clear from the disclosure how the rotating plate interacts with the pipe and other associated structures of the apparatus to engage and rotate the pipe

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the following limitations lack antecedent basis: the pipe (line 3), the protecting layer (line 4), the receiving table (line 6), the set of motors (line 6), the cutting table (line 7), the cutting cabin (line 8), the pneumatic rotating plate (line 9), the first sequence of slots (line 10), the second sequence of slots (line 16), and the cut (line 18). It is suggested to incorporate in some manner the limitations of claim 3 into the preamble of claim 1 in an effort to overcome the lack of antecedent basis problems noted above.

Furthermore in claim 1, the recitation "placing the pipe on the receiving table by the set of *motors* to be subsequently transferred to the cutting table by means of *motors*" (lines 5 and 6), is indefinite as it is unclear if reference is made to the same motors, or to two different motors. Also, the recitation "then successively on the whole perimeter of the pipe" (lines 16 and 17), is indefinite as it is unclear what happens "successively" after the second sequence of slots are made. Step (f) is indefinite, as it is unclear if the "sleeves" are being recited as the means for removal or the means for cutting. The recitation "visual inspection of the slotted pipe to correct failures and possible imperfections with MIG soldering" (lines 20 and 21), is also indefinite as it is unclear how visual inspection can correct failures.

Regarding claim 2, the limitation "said slots made by laser" (line 25), is indefinite as it is unclear if the limitation recites that laser cutting is used instead of plasma cutting.

Regarding claim 4, the recitation "are optionally made by means of plasma cutting equipment" (lines 37 and 38) is indefinite as it is unclear if by optionally it is meant in *addition* to laser cutting, or if plasma cutting is used *instead* of laser cutting.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ricci (US Pat No. 5,685,996), Kanapenas et al. (US Pat No. 5,059,256), Malmros (US Pat No. 2,087,694), and Sims (US Pat No. 5,886,314).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DHANVIR AUJLA whose telephone number is (571)270-7842. The examiner can normally be reached on Monday thru Thursday, 7:30a.m til 5:00 p.m. alternative Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571)272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DHANVIR AUJLA/
Examiner, Art Unit 4115
4/1/2009

/DAVID P. BRYANT/
Supervisory Patent Examiner, Art Unit 3726